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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

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**UNITED STATES OF AMERICA**

**v.**

**ROBERTO AGUILAR JR.**

**ELECTRONIC CRIMINAL COMPLAINT**  
(Redacted)

CASE NUMBER: 22-4067 MJ CDB

I, the undersigned, state under oath that the following is true and correct to the best of my knowledge and belief:

**COUNT 1**

On or about December 28, 2021, in the District of Arizona, within the confines of the Colorado River Indian Tribes Indian Reservation, Indian Country, the defendant, ROBERTO AGUILAR JR., a non-Indian male, did knowingly and intentionally assault D.S., an Indian female and the defendant's dating and intimate partner, by strangling and attempting to strangle her, in violation of Title 18 United States Code, Sections 1152 and 113(a)(8).


I further state that I am a Special Agent of the Federal Bureau of Investigation, and that this Complaint is based on the following facts: **SEE ATTACHED AFFIDAVIT.**

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

REVIEWED BY: /s/ AUSA Paul V. Stearns

X Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct.

Elliott M. White, Special Agent, FBI  
Complainant's Name and Title

 2/25/2022  
Complainant's Signature Date

X Sworn by Telephone

\_\_\_\_\_  
Date/Time

\_\_\_\_\_  
Flagstaff, Arizona  
City and State

Camille D. Bibles, U.S. Magistrate Judge  
Name & Title of Judicial Officer

Camille D. Bibles  
Signature of Judicial Officer

Digitally signed by Camille D. Bibles  
Date: 2022.02.25 12:23:48 -07'00'

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

**ELECTRONICALLY SUBMITTED REDACTED AFFIDAVIT**

I, FBI Special Agent Elliott M. White, state under oath as follows:

1. Your affiant is employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI), and he has been so employed since April 2015. Your affiant has more than 18 years of experience as a sworn law enforcement officer - military and federal. Your affiant is currently assigned to the FBI Phoenix Field Office, Lake Havasu City Resident Agency, and he is charged with the investigation of crimes occurring in (among other places) Indian Country. Your affiant's primary duties include the investigation of violent crimes committed in Indian Country, to include the Colorado River Indian Tribes (CRIT) Indian Reservation, which is within the District of Arizona.

2. The information contained in this affidavit is based upon your affiant's personal knowledge, training, experience, as well as information provided by other law enforcement officers and witnesses including those listed herein. Your affiant has not included every fact known to him concerning this investigation.

**Background/Introduction**

3. This case involves an assault of a dating/intimate partner by ROBERTO AGUILAR JR. (Aguilar), a 40-year-old (at the time) non-Indian male. On December 28, 2021, Aguilar assaulted his dating and intimate partner – a 32-year-

old (at the time) Indian female with the initials D.S. – by strangling and attempting to strangle her and by throwing her to the ground and placing her in a rear chokehold. This assault occurred at D.S.'s residence in Parker, Arizona, on the CRIT Indian Reservation, in the District of Arizona.

### **Investigation**

4. On December 28, 2021, CRIT Police Department Criminal Investigator Charlie Solano (CI Solano) contacted your affiant regarding a domestic violence assault investigation that occurred on the CRIT Indian Reservation. CI Solano advised that D.S. reported to CRIT officers that on December 28, 2021, she was at her residence located in Parker, Arizona and her boyfriend, Aguilar choked her while she was holding her 7-month-old daughter. CI Solano advised that the CRIT officers observed red marks on D.S.'s neck. CI Solano also advised that Aguilar had left the residence before officers arrived.

5. The location of the assault is within the exterior boundaries of the CRIT Reservation. CI Solano advised that Aguilar was not a tribal member and was not an Indian. CI Solano advised that D.S. is an Indian and an enrolled member of the CRIT. CI Solano requested the assistance of the FBI with the investigation.

6. Your affiant obtained CRIT Officer Josue Jacobo's report, audio/video recordings from the officers' body worn cameras, and photographs taken by the officers of D.S. injuries. The following information was obtained from your affiant's review of these items.

a. On December 28, 2021, at approximately 4:10 pm, Officer Jacobo and Sergeant Jason Prichard responded to D.S.'s residence in the Mo-Chem housing community regarding a domestic disturbance.

b. Upon arrival at the residence, the officers encountered D.S. who stated she was currently dating Aguilar and they have children in common. D.S. was arguing with Aguilar about D.S.'s oldest daughter. D.S. was standing near the couch, and she told Aguilar to leave. Aguilar approached and choked D.S. in front of her 3-year-old child.

c. D.S. again told Aguilar to leave, and she told him she did not want him at the house. Aguilar told her he was not going to leave and attacked D.S. again.

d. D.S.'s sister, who has the initials N.Y., came over to the house and asked what was going on. D.S. told her that Aguilar would not leave. D.S. was holding her daughter in her arms. Aguilar went past N.Y. and attacked D.S. again, shoved her on to the ground, and choked her again. D.S. still had her daughter in her arms. N.Y. was telling Aguilar to stop, but he would not let go of D.S.

e. D.S. was asked if at any point she lost consciousness. D.S. advised she did not lose consciousness, but she believed that that was Aguilar's intention. D.S. was asked if this was the first time that Aguilar had assaulted her.

D.S. said Aguilar had done it to her a couple times in the in the past, but she had not called the police. D.S. said Aguilar has also threatened her in the past.

f. The officers also interviewed N.Y. N.Y. reported that she lives next door, was at home, and heard screaming. N.Y. went to D.S.'s residence and the door was open. N.Y. heard the children crying and heard arguing. N.Y. went inside the house and asked D.S. if everything was okay. D.S. told her that Aguilar was angry because the children were being loud. Aguilar then came out, and he was arguing with D.S. N.Y. witnessed Aguilar attack D.S. while she was holding the baby. Aguilar swung D.S. around and brought her to the floor. Aguilar was on the floor, and D.S. was on his chest facing up. Aguilar was choking D.S. with his arms from behind her. N.Y. attempted to stop Aguilar from choking D.S. but was unsuccessful at getting his arms from around D.S.'s neck. N.Y. was trying to remove Aguilar's arms off D.S.'s neck, and she observed that D.S. was losing color in her face. N.Y. slapped Aguilar at his face, and he finally let go of D.S. N.Y. told Aguilar to leave. N.Y.'s husband then showed up, and N.Y.'s husband called the CRIT police.

g. The officers observed red marks around the front of D.S. neck. The officers took photographs of the marks, and your affiant reviewed those photographs. In those photographs, your affiant observed red marks on D.S.'s upper chest as well as the front and sides of the neck.

h. CRIT officers attempted to locate Aguilar that day but were unsuccessful.

7. On January 28, 2022, your affiant and CI Solano made attempts to locate Aguilar for an interview. Your affiant attempted to contact Aguilar telephonically and left a voicemail message. Your affiant and CI Solano also attempted to locate Aguilar at a residence in the Mo-Chem housing community in Parker, Arizona but was unable to contact him. Aguilar later contacted your affiant via telephone. Your affiant advised Aguilar that investigators would like to interview him regarding the incident. Aguilar was advised that the interview was voluntary. Aguilar stated that he was out of town for the weekend, but he would contact your affiant via telephone when he returned to Parker, Arizona the following week.

8. On February 1, 2022, your affiant again attempted to contact Aguilar telephonically and left a voicemail message. To date, Aguilar has not contacted your affiant for an interview.

9. Your affiant requested and received a copy of the Certificate of Indian Blood (CIB) for D.S. from the CRIT Enrollment Department. According to the CIB, D.S. is an enrolled member of the CRIT. Based on your affiant's training and experience, the CRIT is a federally recognized Indian tribe.

10. The assault described above occurred on the CRIT Indian Reservation in the District of Arizona.



**Conclusion**

11. Based on the foregoing, your affiant submits that there is probable cause to believe that the defendant, ROBERTO AGUILAR JR., a non-Indian male, has violated federal law under 18 U.S.C. §§ 113(a)(8) and 1152 by assaulting an Indian female. Your affiant requests a warrant for Aguilar's arrest.

**Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.**

Executed on: 2/25/2022



Elliott M. White, Special Agent, FBI

X Sworn by Telephone

Date/Time: \_\_\_\_\_

**Camille D. Bibles**

Digitally signed by Camille D.

Bibles

Date: 2022.02.25 12:24:24 -07'00'

Camille D. Bibles

United States Magistrate Judge